

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of January 24, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claims Rejections – 35 USC § 103**

In the Office Action, Claims 1-2, 4-8, 10-14, and 16-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,222,075 to Petrushin (hereinafter Petrushin) in view of U.S. Patent 6,904,264 to Frantz (hereinafter Frantz).

Although Applicants respectfully disagree with the claim rejections, Applicants have amended the claims so as to expedite prosecution of the present application. It is expressly noted, however, that the amendments should not be interpreted as the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 7, and 13 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### **Aspects of Applicants Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by

amended Claim 1, is a method of providing biometric information over a telephone call established between a speaker and a subscriber.

The method can include subscribing a voice analysis service by the subscriber and receiving a voice stream from the speaker. The voice stream includes a plurality of voice signals of the speaker. See, e.g., Specification, paragraph [0022].

The method also can include invoking the voice analysis service by the subscriber, providing the voice signals to the voice analysis service, and determining biometric information from the voice signals of the speaker by the voice analysis service. See, e.g., Specification, paragraphs [0023] & [0024].

The method further can include identifying inaudible portions in the voice stream using a psychoacoustic model, modifying the voice stream by encoding the biometric information and replacing the identified inaudible portions of the voice stream with the encoded information, and transmitting the modified voice stream to the subscriber over the established telephone call. See, e.g., Specification, paragraph [0025].

### **The Claims Define Over the Cited References**

The claims are directed to a method, system, and apparatus for determining biometric information from a speaker's voice. The biometric information can be encoded and provided to a subscriber engaged in a telephone call with the speaker. According to the method of the present invention, voice information is received from the speaker over the telephone call. Biometric information from the voice information of the speaker is determined by a voice analysis service subscribed and invoked by the subscriber. The determined biometric information is then encoded and sent to the subscriber over the same telephone call. That is, the biometric information can be sent as an encoded stream of information embedded within the voice stream of the telephone call. See, e.g., Specification, paragraphs [0005] and [0006].

Petrushin discloses a system and method for detecting emotional states using statistics. In Petrushin, first, a speech signal is received. At least one acoustic parameter is extracted from the speech signal. Then statistics or features from samples of the speech signal are calculated from extracted speech parameters. The features are input to a classifier which assigns at least one emotional state from a finite number of possible emotional states to the speech signal. See, e.g., Abstract.

However, Petrushin does not disclose that the voice analysis service has to be subscribed and invoked by the subscriber and that the determined biometric information is transmitted in the same voice stream from the speaker to the subscriber over the same established telephone call. Petrushin describes "a logic for outputting an indication of the at least one emotional state" (col. 3, lines 37-38) and "an output device coupled to the computer for notifying a user of the emotional state detected in the voice signal" (col. 3, lines 51-52). However, Petrushin does not disclose outputting the emotional state in the same voice stream received from the speaker and transmitted to the subscriber over the established telephone call.

Frantz discloses a system and method for transmitting and exchanging payment information for digital radio content in which inaudible portion of the audio transmission can be deleted thus permitting significant audio compression and conservation of bandwidth without degrading audio quality (col. 1, lines 33-44). However, it is noted that in the present invention the inaudible portion of the voice stream is not deleted, but rather replaced by the determined biometric information. The purpose of this is not to compress the voice signal, but rather to encode the determined biometric information into the same voice stream from the speaker to the subscriber so that the subscriber can obtain the caller's state of being at the same time of receiving the telephone call.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 7, and 13, as amended. Applicants therefore

respectfully submit that amended Claims 1, 7, and 13 define over the prior art. Furthermore, as each of the remaining claims dependents from Claim 1, 7, or 13 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claims rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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